

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2:10-CV-321 JCM (PAL)

RONALD G. ROBINSON and
SHIRLEY E. ROBINSON,

Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC, et
al.,

Defendants.

ORDER

Presently before the court are plaintiffs' motion for district judge to reconsider order on motion to amend/correct complaint (doc. #20) and motion for district judge to reconsider order on motion to dismiss (doc. #21). Defendants responded (doc. #22 & 23, respectively); plaintiffs have not replied.

This court granted defendants' motion to dismiss without prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) on July 16, 2010, for failure to state a claim upon which relief could be granted. (Doc. #17). Plaintiffs subsequently requested leave to amend their complaint (doc. #12), which this court denied for failure to attach a proposed amended complaint as required by Local Rule 15-1 (doc. #16). Plaintiffs then filed the instant motions for reconsideration of their motion to amend (doc. #20) and for reconsideration of the order granting defendants' motion to dismiss (doc. #21).

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1 **I. Motion to Amend/Correct Complaint (doc. #20)**

2 When this court dismissed the original complaint, it did not dismiss the action. *Loux v. Rhay*,
3 375 F.2d 55, 57 (9th Cir. 1967). The July 16, 2010, order granted defendants' motion to dismiss
4 "without prejudice" (doc. #17). Now that plaintiffs have complied with the local rule and have
5 attached a proposed pleading (doc. #20-2), the court finds it unjust to deny plaintiffs leave to file
6 their amended complaint. Thus, the motion to reconsider the order on the motion to amend/correct
7 complaint (doc. #20) is granted. Plaintiffs may file their amended pleading.

8 **II. Motion to Reconsider Order on Motion to Dismiss (doc. #21)**

9 Once filed and properly served, the amended complaint supersedes the original, and the
10 plaintiffs waive any errors in the ruling on their original complaints. *Lauderdale v. County of*
11 *Alameda*, 911 F.2d 738 (9th Cir. 1990). Thus, the court need not reconsider its ruling on the motion
12 to dismiss the original complaint.

13 IT IS ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion for district judge
14 to reconsider order on motion to amend/correct complaint (doc. #20) is hereby GRANTED.

15 IT IS FURTHER ORDERED that plaintiffs' motion for district judge to reconsider order on
16 motion to dismiss (doc. #21) is hereby DENIED.

17 DATED September 14, 2010.

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20 UNITED STATES DISTRICT JUDGE